

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Katsumi SHIBAYAMA |) | Confirmation No.: 1018 |
| |) | |
| U.S. Application No.: 10/590,510 |) | Group Art Unit: 2893 |
| |) | |
| Filed: August 24, 2006 |) | Examiner: Ngan V. Ngo |
| |) | |
| For: INFRARED SENSOR AND METHOD OF |) | |
| PRODUCING THE SAME |) | |

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window Mail Stop Amendment
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

A copy of a Chinese Office Action dated February 13, 2009 (with partial English-language translation) that issued in a Chinese patent application and having documents cited therein is attached for the Examiner's consideration.

Except as discussed below, the cited documents are listed on the attached PTO Form 1449 and copies of the cited non-U.S. documents are also attached hereto.

While the Chinese Office Action dated February 13, 2009 additionally cites to Japanese Patent Application Laid-Open No. 2001-174324 this document is not listed on the attached PTO Form 1449 because it was previously cited in an Information Disclosure Statement in this application on June 5, 2007.

The relevance of the attached foreign language document can be understood from the attached English-language abstract and/or from the Chinese Office Action dated February 13, 2009.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By:


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Dated: May 29, 2009

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